

EXHIBIT B

VOL. VI PG. 898

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3
4 TERRI PECHNER-JAMES
and SONIA FERNANDEZ,
5 Plaintiffs

6 VS. VOLUME VI
C.A. NO. 03-12499-MLW

7 CITY OF REVERE; THOMAS
8 AMBROSINO, MAYOR; CITY OF
REVERE POLICE DEPARTMENT,
9 TERRENCE REARDON, CHIEF;
BERNARD FOSTER, SALVATORE
10 SANTORO, ROY COLANNINO,
FREDERICK ROLAND, THOMAS DOHERTY,
11 JOHN NELSON, JAMES RUSSO,
MICHAEL MURPHY, and STEVEN FORD,
Defendants

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15 CONTINUED DEPOSITION of TERRI

16 PECHNER-JAMES taken at the request of the
17 defendants pursuant to Rule 30 of the Federal
18 Rules of Civil Procedure before Nancy A.
19 Diemdowicz, Registered Merit Reporter, a
20 notary public in and for the Commonwealth of
21 Massachusetts, on May 25, 2006, commencing at
22 10:08 A.M. at the offices of Reardon, Joyce &
23 Akerson, 397 Grove Street, Worcester,
24 Massachusetts.

McCARTHY REPORTING SERVICE WORCESTER, MA
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1 I N D E X

2 DEPONENT: TERRI PECHNER-JAMES

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5 CONTINUED EXAMINATION BY MR. PORR 901

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10 EXHIBITS

11 PAGE

12 15. Patient History & Physical Exam 910

13 16. Affidavit - Exhibit 18 922

14 17. Affidavit - U.S. District Court 923

15 18. Photocopy of Photograph 1007

16 19. Photocopy of Photograph 1011

17 20. Photocopy of Photograph 1013

18 21. Memorandum dated 12/21/98 1073

19 22. Sonia Fernandez Supplementation 1136

20 of Interrogatories

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1 MR. PORR: We're back on the record
2 with the deposition of Terri Pechner.

3 CONTINUED EXAMINATION BY MR. PORR:

4 Q. Good morning, Ms. Pechner.

5 A. Good morning.

6 Q. You understand that you're still
7 under oath?

8 A. Yes, I do.

9 Q. Okay. Have you taken any
10 medication this morning?

11 A. Yes, I have.

12 Q. What have you taken?

13 A. Synthroid and Paxil.

14 Q. The Synthroid, is that an
15 artificial thyroid type medication?

16 A. Yes.

17 Q. All right. And the Paxil you take
18 for what condition?

19 A. PTSD.

20 Q. Okay. How are you feeling this
21 morning?

22 A. Lousy.

23 Q. Okay. And when you say "lousy,"
24 what do you mean by that?

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1 A. Fear of retaliation.

2 Q. Is that your guess, or did someone
3 tell you that?

4 A. No. Someone told me that.

5 Q. Who?

6 A. I can tell you that Officer
7 Malatesta doesn't want to come forward with
8 her complaints because she was afraid of
9 retaliation.

10 Q. Okay. Did Officer Malatesta tell
11 you that she specifically did not reference
12 this drawing at the January '99 meeting
13 because she was afraid of retaliation?

14 A. Again, I don't remember what
15 somebody mentioned at the meeting. Officer
16 Malatesta told me she was afraid to mention
17 incidents because she was afraid of Lieutenant
18 Foster.

19 Q. Okay.

20 A. And afraid of retaliation. She was
21 afraid that Lieutenant Foster -- as a matter
22 of fact, Officer Malatesta had told me that
23 she would be a witness in this case, and at
24 that time, when we first filed, she had given

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1 me her notes, and I think we had touched on it
2 before.

3 She wanted to speak up regarding
4 the case. She wanted to speak to my
5 investigator. However, she was going for a
6 job with Secret Service and decided that
7 Lieutenant Foster was going to give her a good
8 reference and that she would choose to have
9 her reference over standing by us with this
10 case.

11 Q. When did you learn that?

12 A. I was in Florida so -- I don't -- I
13 don't remember the exact date.

14 Q. Who told you?

15 A. She did.

16 Q. Did she tell you in person? Over
17 the phone? Via e-mail? Via a letter?

18 A. She told me in person.

19 Q. Okay. Was she visiting you in
20 Florida, or were you visiting up here?

21 A. I was visiting here. She told me
22 via instant message.

23 Q. So it wasn't face to face?

24 A. It was several times we talked

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1 about it.

2 Q. Face to face?

3 A. No. We talked about it face to

4 face; we talked about it when I was in

5 Florida.

6 Q. Via instant messaging?

7 A. Yeah.

8 Q. Okay. And when did you first start

9 talking about it?

10 A. After she decided to recant her

11 statement that she had given to the private

12 investigator.

13 Q. What statement are you talking

14 about?

15 A. Statement of facts about the

16 harassment.

17 Q. Which private investigator?

18 A. Private investigator that I hired.

19 Q. What's his name?

20 A. John McFarb (phon).

21 Q. And when did she give him a

22 statement?

23 A. I don't recall the date.

24 Q. It was a written statement?

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1 A. It was a written statement.

2 Q. Do you have a copy of that
3 statement?

4 A. I don't believe so.

5 Q. Did you give Mr. Dilday a copy of
6 the statement?

7 A. There was a statement that was
8 crossed out, and she sent a letter stating
9 that at this time -- I don't remember. She
10 recanted her statement and there was really no
11 statement.

12 Q. Have you seen that letter, the
13 recanting letter? Simple question. Yes or
14 no. Have you seen the letter recanting the
15 statement?

16 A. Yes, I have.

17 Q. Okay. When's the last time you saw
18 it?

19 A. I don't recall.

20 Q. Where did you see it?

21 A. I don't remember.

22 Q. Did the investigator show it to
23 you?

24 A. I don't remember. It was a couple

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1 years ago. I don't remember. I saw -- saw
2 it. I remember speaking to Lynn like it was
3 the back of my hand.

4 Q. Was the letter addressed to you or
5 addressed to the investigator?

6 A. I don't -- I don't remember.

7 Q. Okay. Does your investigator have
8 a copy of her letter?

9 A. You could ask him. I mean --

10 Q. Do you know?

11 A. No.